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8 **UNITED STATES BANKRUPTCY COURT**
CENTRAL DISTRICT OF CALIFORNIA
9 **NORTHERN DIVISION**

10 In Re:

11 JONATHAN ELI HERRICK,
12 Debtor.

Bankruptcy Case No.: 9:20-bk-10197-MB

Chapter 7

**RESERVATION OF RIGHTS OF
ITRIA VENTURES LLC**

14 Creditor Itria Ventures LLC (“Itria”), by and through its undersigned counsel, hereby
15 submits this reservation of rights (the “Reservation of Rights”) with respect to the deadlines to
16 object to, or file a complaint as to, the debtor Jonathan Eli Herrick’s (“Debtor”) discharge under
17 Rules 4004(a) and 4007(c) of the Federal Rules of Bankruptcy Procedure. This Court’s General
18 Order 20-03 extended those deadlines to June 26, 2020, *i.e.*, 60 days after the initial meeting of
19 creditors, which was held on April 27, 2020.

20 Debtor and the Trustee filed a stipulation on May 14, 2020 that states that the deadline for
21 parties in interest to file a complaint pursuant to Section 727 was May 15, 2020. (ECF No. 19.)
22 General Order 20-03, however, extended the deadline to file a complaint under Sections 727 and
23 523 to, at least, June 26, 2020. Notwithstanding the Debtor’s stipulation with the Trustee, Itria
24 reserves its rights to file a complaint pursuant to Sections 523 or 727 within the deadline set by
25 the Court in General Order 20-03. (*See* Misc. No. 20-MP-00101-MT, Doc. No. 2 at ¶¶ 4-5.)
26 In support of this Reservation of Rights, Itria respectfully represents as follows:

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BACKGROUND

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2 1. On May 14, 2020, Debtor and the Trustee entered into a stipulation to extend the
3 Trustee's deadline – and only the Trustee's deadline – to object to Debtor's discharge pursuant to
4 11 U.S.C. § 727 to July 15, 2020. (ECF No. 19.) That stipulation states that the deadline by
5 which "parties in interest" must file a complaint under § 727 was previously May 15, 2020. (*Id.*
6 at ¶ 2.) The Court approved the Debtor and Trustee's stipulation on May 19 and extended the
7 Trustee's deadline to file a complaint pursuant to § 727 to July 15, 2020. (ECF No. 21.)

8 2. Itria and A&L Home Enterprises, LLC ("A&L") entered into Future Receivables
9 Sales Agreements, which debtor Jonathan Eli Herrick personally guaranteed, pursuant to which
10 Itria purchased the future receivables of A&L's business. Debtor and A&L breached their
11 obligations to Itria and judgment was entered against them both in New York State. (*See* ECF
12 No. 8 at 37 [Form 107, Part 4].) That New York judgment was subsequently domesticated in the
13 Superior Court of California, County of San Luis Obispo. (*Id.* at 38.)

14 3. Debtor filed his Voluntary Petition for Individuals Filing for Bankruptcy on
15 February 7, 2020. (ECF No. 1.) The initial meeting of creditors was scheduled for March 16
16 (ECF No. 4 at 2), but the Debtor failed to appear. (ECF No. 12.)

17 4. On March 18, in light of "developing issues with the COVID-19 virus and the
18 national and state declarations of emergency by the President of the United States and the
19 Governor of California," the United States Trustee (the "Trustee") filed an *ex parte* motion
20 seeking to extend certain deadlines triggered by the initial § 341 meeting date for every case
21 "where the § 341 meeting was not concluded prior to March 17, 2020, and such deadline(s) had
22 not previously expired." (*See* Misc. No. 20-MP-00101-MT, Doc. 1 at 2.)

23 5. On March 23, by general Order 20-03, the Court granted the Trustee's motion and
24 extended the deadlines to object to debtors' discharge under Federal Rule of Bankruptcy
25 Procedure 4004(a) and to file a complaint as to the dischargeability of certain debts pursuant to 11
26 U.S.C. § 523(c) under Federal Rule of Bankruptcy Procedure 4007(c), in every case – including
27 this one – where the § 341 meeting was not completed prior to March 17, 2020 and the applicable
28 deadline had not already lapsed. (General Order 20-03, Misc. No. 20-MP-00101-MT, Doc. 2 at

¶¶ 4-5.)

6. The initial § 341 meeting of creditors in this case was not completed prior to March 17. Rather, the Debtor failed to appear on March 16, which was the date initially set for the meeting, so, on March 24, the Trustee filed a notice continuing Debtor's § 341 hearing to April 27. (ECF No. 8.) The Court's Renote of the Debtor's § 341 hearing issued on April 1. (ECF No. 13.)

7. The initial § 341 meeting of creditors was eventually held on April 27, and then continued to June 1 in order for the Debtor to provide additional documentation to the Trustee. (ECF No. 17.)

RESERVATION OF RIGHTS

8. Pursuant to General Order 20-03, Itria may object to Debtor's discharge under Federal Rule of Bankruptcy Procedure 4004(a) or file a complaint as to the dischargeability of Debtor's debt to Itria pursuant to 11 U.S.C. § 523(c) under Federal Rule of Bankruptcy Procedure 4007(c), until June 26, 2020, which is 60 days after the initial meeting of creditors held on April 27.

Dated: June 8, 2020

KASOWITZ BENSON TORRES LLP

/s/ Andrew R. J. Muir

Andrew R.J. Muir
Attorneys for Creditor
ITRIA VENTURES LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 8th day of June, 2020, interested parties who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system.

/s/ Andrew R.J. Muir

Andrew R.J. Muir